



General Assembly

Amendment

January Session, 2003

LCO No. 4980

SB0075304980SD0

Offered by:

SEN. MCDONALD, 27th Dist.

SEN. SMITH, 14th Dist.

To: Senate Bill No. 753

File No. 115

Cal. No. 114

"AN ACT CONCERNING CRIME VICTIM COMPENSATION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 51-286e of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (b) The state's attorney for a judicial district wherein an offense has
7 been committed shall notify any victim of the offense, if such victim
8 has requested notification and provided the state's attorney with a
9 current address, of any judicial proceedings relating to his case
10 including (1) the arrest of the defendant, (2) the arraignment of the
11 defendant, (3) the release of the defendant pending judicial
12 proceedings, and (4) proceedings in the prosecution of the defendant,
13 including entry of a plea of guilty, trial and sentencing, including the
14 original and any subsequent sentencing or any modification of

15 sentence.

16 Sec. 502. Subsections (b) and (c) of section 54-91c of the general
17 statutes are repealed and the following is substituted in lieu thereof
18 (*Effective October 1, 2003*):

19 (b) Prior to the imposition of sentence upon any defendant who has
20 been found guilty of any crime or has pleaded guilty or nolo
21 contendere to any crime, including the original and any subsequent
22 sentencing or any modification of sentence, and prior to the acceptance
23 by the court of a plea of guilty or nolo contendere made pursuant to a
24 plea agreement with the state wherein the defendant pleads to a lesser
25 offense than the offense with which such defendant was originally
26 charged, the court shall permit the victim of the crime to appear before
27 the court for the purpose of making a statement for the record, which
28 statement may include the victim's opinion of any plea agreement. In
29 lieu of such appearance, the victim may submit a written statement or,
30 if the victim of the crime is deceased, the legal representative or a
31 member of the immediate family of such crime victim may submit a
32 statement of such deceased crime victim to the state's attorney,
33 assistant state's attorney or deputy assistant state's attorney in charge
34 of the case. Such state's attorney, assistant state's attorney or deputy
35 assistant state's attorney shall file the statement with the sentencing
36 court and the statement shall be made a part of the record at the
37 sentencing hearing. Any such statement, whether oral or written, shall
38 relate to the facts of the case, the appropriateness of any penalty and
39 the extent of any injuries, financial losses and loss of earnings directly
40 resulting from the crime for which the defendant is being sentenced.
41 After consideration of any such statements, the court may refuse to
42 accept, where appropriate, a negotiated plea or sentence, and the court
43 shall give the defendant an opportunity to enter a new plea and to
44 elect trial by jury or by the court.

45 (c) Prior to the imposition of sentence upon such defendant,
46 including the original and any subsequent sentencing or any
47 modification of sentence, and prior to the acceptance of a plea

48 pursuant to a plea agreement, the state's attorney, assistant state's
49 attorney or deputy assistant state's attorney in charge of the case shall
50 advise the victim of such crime of the date, time and place of the
51 [original] sentencing hearing or any judicial proceeding concerning the
52 acceptance of a plea pursuant to a plea agreement, provided the victim
53 has informed such state's attorney, assistant state's attorney or deputy
54 assistant state's attorney that such victim wishes to make or submit a
55 statement as provided in subsection (b) of this section and has
56 complied with a request from such state's attorney, assistant state's
57 attorney or deputy assistant state's attorney to submit a stamped, self-
58 addressed postcard for the purpose of such notification. If the state's
59 attorney, assistant state's attorney or deputy assistant state's attorney is
60 unable to notify the victim, such state's attorney, assistant state's
61 attorney or deputy state's attorney shall sign a statement as to such
62 notification."